

PHILLIP A. TALBERT  
United States Attorney  
STEPHANIE M. STOKMAN  
Assistant United States Attorney  
2500 Tulare Street, Suite 4401  
Fresno, CA 93721  
Telephone: (559) 497-4000  
Facsimile: (559) 497-4099  
  
Attorneys for Plaintiff  
United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
JERRETT NEWMAN,  
  
Defendant.

CASE NO. 1:16-CR-00086 AND 1:21-CR-299-  
DAD-BAM

STIPULATION REGARDING EXCLUDABLE  
TIME PERIODS UNDER SPEEDY TRIAL ACT;  
FINDINGS AND ORDER

DATE: May 24, 2023  
TIME: 1:00 p.m.  
COURT: Hon. Barbara A. McAuliffe

**STIPULATION**

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on May 24, 2023.  
2. By this stipulation, defendant now moves to continue the status conference until August 9, 2023, and to exclude time between May 24, 2023, and August 9, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

3. The parties agree and stipulate, and request that the Court find the following:

a) The government has represented that the discovery associated with this case includes reports, photographs, and audio files. Discovery has been either produced directly to counsel and/or made available for inspection and copying, however, additional items of discovery are being processed and will soon be produced.

b) Counsel for defendant desires additional time to further review discovery, discuss

1 potential resolution with his client and the government, and investigate and prepare for trial.

2 c) Counsel for defendant believes that failure to grant the above-requested  
3 continuance would deny him/her the reasonable time necessary for effective preparation, taking  
4 into account the exercise of due diligence.

5 d) If there is no resolution by the next status date, the parties will be prepared to set a  
6 trial date.

7 e) The government does not object to the continuance.

8 f) Based on the above-stated findings, the ends of justice served by continuing the  
9 case as requested outweigh the interest of the public and the defendant in a trial within the  
10 original date prescribed by the Speedy Trial Act.

11 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,  
12 et seq., within which trial must commence, the time period of May 24, 2023 to August 9, 2023,  
13 inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4]  
14 because it results from a continuance granted by the Court at defendant's request on the basis of  
15 the Court's finding that the ends of justice served by taking such action outweigh the best interest  
16 of the public and the defendant in a speedy trial.

17 h) The parties also agree that this continuance is necessary for several reasons,  
18 including but not limited to, the need to permit time for the parties to exchange supplemental  
19 discovery, engage in plea negotiations, and for the defense to continue its investigation and  
20 preparation, pursuant to 18 U.S.C. § 3161(h)(7)(A) and 3161(h)(7)(B)(i) and (iv).

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: May 10, 2023

PHILLIP A. TALBERT  
United States Attorney

/s/ STEPHANIE M. STOKMAN  
STEPHANIE M. STOKMAN  
Assistant United States Attorney

Dated: May 10, 2023

/s/ JOHN GARLAND  
JOHN GARLAND  
Counsel for Defendant  
Jerrett Newman

**ORDER**

IT IS SO ORDERED that the status conference is continued from May 24, 2023, to **August 9, 2023, at 1:00 p.m. before Magistrate Judge Barbara A. McAuliffe**. Time is excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv). The Court intends to set a trial date at the next status conference. If the parties do not resolve the case in advance of the next status conference, they shall be prepared to set a trial date at the status conference hearing.

IT IS SO ORDERED.

Dated: May 11, 2023

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE